debt governed the finahcing of most of our public projects. The 1960's however, witnessed several events concerning the incurrence of debt which have eroded the constitutional right of the People to vote upon State indebtedness and which may severely curtail our future financial flexibility: (a) a significant quantity of financing State projects through specially-created agencies without voter approval; and (b) repeated legislative authorizations for public authorities to incur large-scale debt, accompanied by the State's so-called "moral obligation" to maintain the debt service reserve fund of each agency at a sufficient level. In other instances, the State has entered into lease-back arrangements keyed to debt-service requirements.

Because of the growing significance of debt financing on the State's financial structure, I have sent several special reports on debt to the Legislature. The most recent is a study entitled "Debt-Like Commitments of the State of New York", issued in January 1973. Significant facts about our debt structure follows:

Our direct debt, to which the State has pledged its full faith and credit by vote of the People, has tripled in the last decade and stood at $3.4 billion on March 31, 1974. Authorized but unissued direct debt amounted to an additional $2.8 billion. The outstanding bonded debt will cost the State $5.1 billion when fully paid off, including interest costs.

Our indirect debt, supported by State rental payments and earmarked revenues, usually through lease-back arrangements, and which began modestly at the start of the decade, reached $2.9 billion at March 31, 1974. Rental and reserve payments are presently more than $200 million a year.

Other commitments, arising either because the State has directly guaranteed the debt of certain public authorities or has undertaken a "moral commitment", have increased markedly during the decade and now stand at $4.8 billion.

Statutory limits on the indirect debt and other commitments do not exist in many instances, reflecting a lack of legislative control over the potential magnitude of such commitments. While the purposes are generally worthy and urgent, this does not justify circumvention of the constitutional right of the People of the State to vote on the incurrence of public debt. As I have stated in the past, the State of New York is mortgaging its future to a point which approaches the capacity of public burden. I am concerned not only about the magnitude of our debt, but about its proliferation into unwieldy and distorted forms.

We need to restore the controls and the direct approach intended by the Constitution with regard to the incurrence of debt, and I ask the Legislature to consider the following actions:

No debt proposition should be put to the People unless they are advised fully of the specific projects to be undertaken and the rate of expenditure incurrence.

All programs currently financed through borrowings (direct, indirect, and other debt-like commitments) should be reviewed and placed within a scheme of priorities so that expenditures may be planned accordingly.

No further programs should be undertaken with the support of the "moral commitment" clause. Existing statutes containing the "moral commitment" clause should be modified to provide for specific dollar limitations where no limitations presently exist.

Mr. COOK. Mr. President, I am ready to yield back the remainder of my time, and have been authorized to state to the Senate that the Senator from Virginia (Mr. WILLIAM L. SCOTT) has authorized me to yield back the remainder of his time. If it is the desire of the presiding officer, that the Senator from Virginia be here, I would suggest the absence of a quorum; however, I have talked with him and he has authorized me to yield back the remainder of his time at the time I yield back the remainder of my own time.

Therefore, at this time I yield back the remainder of my time, and I state that I am authorized to yield back the remainder of the time of the Senator from Virginia (Mr. WILLIAM L. SCOTT).

Mr. CANNON. Mr. President, I am prepared to yield back the remainder of my time, except for the 1 hour on the nomination that was reserved until tomorrow, of which I control one-half.

Mr. COOK. Mr. President, may I say that the order was that there would be 5 hours today and 1 hour tomorrow, of which 30 minutes would be reserved to the chairman and 30 minutes would be reserved to the ranking minority Member.

The PRESIDING OFFICER (Mr. HELMS). All remaining time for today is yielded back. The 1 hour for tomorrow remains.

Who yields time?

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. What is the will of the Senate?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1975—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on H.R. 16900, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HELMS). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16900) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of November 26, 1974, at p. H11156.)

Mr. McCLELLAN. Mr. President, the conference report before us for consideration would provide an appropriation of $8,659,352,078 in new budget authority. This amount is an increase of $380,710,900 over the budget request.

This first supplemental appropriation bill for fiscal year 1975 is a very large bill, both in terms of funds and items, and is made up of many appropriations that would normally be considered in connection with the regular, annual appropriations bills. However, due to the lack of timely legislative authorizations at the time the regular bills were passed, many of these items contained in this supplemental bill had to be deferred until now. These items and appropriations deal mainly with housing and community development programs and with the Elementary and Secondary Education Act programs.

Mr. President, this conference agreement is $299,600,516 more than the House-passed bill and is $94,374,600 under the total amount of the bill as it passed the Senate. In this connection, it should be noted that the Senate considered additional supplemental budget estimates totaling about $150 million which the House did not consider.

Mr. President, there were 85 amendments of the Senate which had to be resolved in conference. Inasmuch as the conference report was printed in the CONGRESSIONAL RECORD of November 26, 1974 and because the report itself was printed and has been available for several days, I do not intend to discuss or elaborate on all of the changes from the Senate-passed bill. At this time, I ask unanimous consent to include in the RECORD a table which shows the complete conference action compared with the House and Senate amounts and the budget estimates.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CONFERENCE SUMMARY—SUPPLEMENTAL APPROPRIATIONS BILL, 1975—H.R. 16900

Department or agency	Budget estimate of new budget (obligational) authority	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommanded in Senate bill	Conference agreement	Increase (+) or decrease (—) conference agreement compared with: Budget estimates	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TITLE I							
CHAPTER I							
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Community Planning and Development							
Community development	2,179,625,000	2,179,625,000	2,135,000,000	2,175,000,000	−4,625,000	−4,625,000	+40,000,000
Rehabilitation loans			25,000,000				−25,000,000
Housing Production and Mortgage Credit							
Housing for the elderly or handicapped (limitation on loans)			(200,000,000)	(100,000,000)	(+100,000,000)	(+100,000,000)	(−100,000,000)
State Housing Finance and Development Agencies							
Grants to State housing or development agencies			25,000,000				−25,000,000
VETERANS' ADMINISTRATION							
Assistance for Health Manpower Training Institutions							
Grants to affiliated medical schools			10,000,000	10,000,000	+10,000,000	+10,000,000	
Total, Chapter I, new budget (obligational) authority	2,179,625,000	2,179,625,000	2,195,000,000	2,185,000,000	+5,375,000	+5,375,000	−10,000,000
CHAPTER II							
DEPARTMENT OF LABOR							
Manpower Administration							
Program administration (transfer)			−1,500,000				+1,500,000
Comprehensive manpower assistance (transfer)			−5,600,000				+5,600,000
Labor-Management Services Administration							
Salaries and expenses	9,650,000		6,150,000	6,650,000	−3,000,000	+6,650,000	+500,000
By transfer				(1,500,000)		(+1,500,000)	(+1,500,000)
Employment Standards Administration							
Salaries and expenses			480,000	480,000	+480,000	+480,000	
By transfer	(6,800,000)		(5,600,000)	(5,600,000)	(−1,200,000)	(+5,600,000)	
Bureau of Labor Statistics							
Salaries and expenses (by transfer)	(600,000)		(300,000)	(300,000)	(−300,000)	(+300,000)	
Departmental Management							
Salaries and expenses (by transfer)			(−300,000)				(+300,000)
Total, Department of Labor	9,650,000		5,130,000	7,130,000	−2,520,000	+7,130,000	+2,000,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services Administration							
Health services	$5,722,000	$3,722,000	$1,722,000	$2,722,000	−$3,000,000	−$1,000,000	+$1,000,000
Alcohol, Drug Abuse, and Mental Health Administration							
Saint Elizabeths Hospital	1,789,000	1,789,000	1,789,000	1,789,000			
Health Resources Administration							
Health resources	147,257,000	149,133,000	147,933,000	147,933,000	+676,000	−1,200,000	
(Transfer authority)	(120,000)	(120,000)	(120,000)	(120,000)			
Office of Education							
Elementary and secondary education	2,180,218,000	2,054,425,000	2,160,825,000	2,148,075,000	−32,143,000	+93,650,000	−12,750,000
Advance appropriation for 1976	2,210,218,000	2,210,218,000	2,190,218,000	2,210,218,000			+20,000,000
School assistance in federally affected areas	340,300,000	656,016,000	656,016,000	656,016,000	+315,716,000		
Education for the handicapped	147,109,000	184,609,000	224,609,000	199,609,000	+52,500,000	+15,000,000	−25,000,000
Advance appropriation for 1976	50,000,000	100,000,000	100,000,000	100,000,000	+50,000,000		
Occupational, vocational, and adult education	63,319,000	63,319,000	69,300,000	69,300,000	+5,981,000	+5,981,000	
Advance appropriation for 1976	63,319,000	63,319,000	67,500,000	67,500,000	+4,181,000	+4,181,000	
Library resources	90,250,000	95,250,000	95,250,000	95,250,000	+5,000,000		
Salaries and expenses	718,000		750,000		−718,000		−750,000
Assistant Secretary for Human Development							
Human development	111,600,000	125,000,000	135,000,000	135,000,000	+23,400,000	+10,000,000	
Total, Department of Health, Education, and Welfare	5,411,819,000	5,706,800,000	5,850,912,000	5,833,412,000	+421,593,000	+126,612,000	−17,500,000
Total, Chapter II, new budget (obligational) authority	5,421,469,000	5,706,800,000	5,856,042,000	5,840,542,000	+419,073,000	+133,742,000	−15,500,000
Consisting of:							
Fiscal year 1975 appropriation	3,097,932,000	3,333,263,000	3,499,324,000	3,462,824,000	+364,892,000	+129,561,000	−35,500,000
Fiscal year 1976 appropriation	2,323,537,000	2,373,537,000	2,357,718,000	2,377,718,000	+54,181,000	+4,181,000	+20,000,000

CONFERENCE SUMMARY—SUPPLEMENTAL APPROPRIATIONS BILL, 1975—H.R. 16900—Continued

Department or agency	Budget estimate of new budget (obligational) authority	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference agreement	Increase (+) or decrease (—) conference agreement compared with: Budget estimates	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
CHAPTER III							
LEGISLATIVE BRANCH							
SENATE							
Salaries, Officers and Employees							
Office of the Secretary	$75,525	----------	$75,525	$75,525	----------	+$75,525	----------
Committee employees	349,980	----------	349,980	349,980	----------	+349,980	----------
Total, Salaries, Officers and Employees	425,505	----------	425,505	425,505	----------	+425,505	----------
Contingent Expenses of the Senate							
Inquiries and investigations	5,000	----------	5,000	5,000	----------	+5,000	----------
Inquiries and investigations, 1974	250,000	----------	250,000	250,000	----------	+250,000	----------
Miscellaneous items, 1974	1,050,000	----------	1,050,000	1,050,000	----------	+1,050,000	----------
Stationery (Revolving Fund)	300	----------	300	300	----------	+300	----------
Total, Contiogent Expenses	1,305,300	----------	1,305,000	1,305,300	----------	+1,305,300	----------
Total, Senate	1,730,805	----------	1,730,805	1,730,805	----------	+1,730,805	----------
HOUSE OF REPRESENTATIVES							
Salaries, Officers and Employees							
House Democratic Steering Committee	65,000	$65,000	65,000	65,000	----------	----------	----------
House Republican Conference	65,000	65,000	65,000	65,000	----------	----------	----------
Total, Salaries, Officers and Employees	130,000	130,000	130,000	130,000	----------	----------	----------
Committee on the Budget (Studies)							
Salaries and expenses	138,000	138,000	138,000	138,000	----------	----------	----------
Total, House of Representatives	268,000	268,000	268,000	268,000	----------	----------	----------
JOINT ITEMS							
Contingent Expenses of the Senate							
Joint Committee on Printing	66,000	66,000	66,000	66,000	----------	----------	----------
ARCHITECT OF THE CAPITOL							
Capitol buildings and grounds	----------	13,400	----------	13,400	+$13,400	----------	+$13,400
Construction of extension to New Senate Office Building	16,322,000	----------	16,322,000	16,322,000	----------	+16,322,000	----------
Total, Architect of the Capitol	16,322,000	13,400	16,322,000	16,335,400	+13,400	+16,322,000	+13,400
GOVERNMENT PRINTING OFFICE							
Environmental impact study on the relocation of Government Printing Office	300,000	----------	300,000	300,000	----------	+300,000	----------
Total, Chapter III, new budget (obligational) authority	18,686,805	347,400	18,686,805	18,700,205	+13,400	+18,352,805	+13,400
CHAPTER IV							
ATOMIC ENERGY COMMISSION							
Operating expenses	54,700,000	----------	59,700,000	25,500,000	—29,200,000	+25,500,000	—34,200,000
Plant and capital equipment	18,300,000	----------	18,300,000	9,150,000	—9,150,000	+9,150,000	—9,150,000
Total, Chapter IV, new budget (obligational) authority	73,000,000	----------	78,000,000	34,650,000	—38,350,000	+34,650,000	—43,350,000
CHAPTER V							
DEPARTMENT OF JUSTICE							
Immigration and Naturalization Service							
Restoring northern border activities	----------	----------	705,000	----------	----------	----------	—705,000
DEPARTMENT OF COMMERCE							
Economic Development Administration							
Economic development assistence programs	51,500,000	51,500,000	74,000,000	62,750,000	+11,250,000	+11,250,000	—11,250,000
Administration of economic development assistance programs	5,275,000	5,275,000	5,275,000	5,275,000	----------	----------	----------
Regional Action Planning Commissions							
Regional development programs	7,005,000	----------	7,005,000	3,502,000	—3,503,000	+3,502,000	—3,503,000
Total, Department of Commerce	63,780,000	56,775,000	86,280,000	71,527,000	+7,747,000	+14,752,000	—14,753,000

CONFERENCE SUMMARY—SUPPLEMENTAL APPROPRIATIONS BILL, 1975—H.R. 16900—Continued

Department or agency	Budget estimate of new budget (obligational) authority	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference agreement	Increase (+) or decrease (—) conference egreement compared with: Budget estimates	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
CHAPTER V—Continued							
THE JUDICIARY							
Supreme Court of the United States							
Care of the building and grounds	$258,500	$258,500	$258,500	$258,500			
Commission on the Revision of the Federal Court Appellate System of the United States	351,000		351,000	351,000		+$351,000	
Total, The Judiciary	609,500	258,500	609,500	609,500		+351,000	
RELATED AGENCIES							
Small Business Administration							
Surely Bond Guarentees Fund (by transfer)	(20,000,000)		(20,000,000)	(20,000,000)		(+20,000,000)	
Total, Chapter V, new budget (obligation) authority	64,389,500	57,033,500	87,594,500	72,136,500	+$7,747,000	+15,103,000	—$15,458,000
By transfer	(20,000,000)		(20,000,000)	(20,000,000)		(+20,000,000)	
CHAPTER VI							
DEPARTMENT OF TRANSPORTATION							
Federal Aviation Administration							
Grants-in-aid for airports (obligation limitation)			(50,000,000)	(25,000,000)	(+25,000,000)	(+65,000,000)	(—25,000,000)
Federal Railroad Administration							
Grants to the National Railroad Passenger Corporation	84,900,000		75,000,000	70,000,000	—14,900,000	+70,000,000	—5,000,000
Urben Mass Transportation Administration							
RELATED AGENCIES							
Interstate Commerce Commission							
Salaries and expenses	345,000	170,000	170,000	170,000	—175,000		
United States Railway Association							
Administrative expenses	8,000,000	4,000,000	8,000,000	7,000,000	—1,000,000	+3,000,000	—1,000,000
Total, Chapter VI, new budget (obligational) authority	93,245,000	4,170,000	83,170,000	77,170,000	—16,075,000	+73,000,000	—6,000,000
CHAPTER VII							
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operetions							
Eisenhower College Grants			9,000,000	9,000,000	+9,000,000	+9,000,000	
U.S. Postal Service							
Payment to the Postal Service Fund	284,667,000	280,656,000	280,656,000	280,656,000	—4,011,000		
EXECUTIVE OFFICE OF THE PRESIDENT							
Office of Management and Budget							
Office of Federal Procurement Policy							
Salaries and expenses	660,000	660,000	660,000	660,000			
Council on Wage and Price Stability							
Salaries and expenses	1,000,000	1,000,000	1,000,000	1,000,000			
INDEPENDENT AGENCIES							
Civil Service Commission							
Payment to Civil Service Retirement and Disability Fund	73,576,000	73,576,000	73,576,000	73,576,000			
National Commission on Supplies and Shortages							
Salaries and expenses			287,500	287,500	+287,500	+287,500	
National Commission on Electronic Fund Transfers							
Salaries and expenses			2,000,000	500,000	+500,000	+500,000	—1,500,000
Advisory Commission on Intergovernmentel Relations							
Full Deposit Insurance Study			87,000	87,000	+87,000	+87,000	

CONFERENCE SUMMARY—SUPPLEMENTAL APPROPRIATIONS BILL, 1975—H.R. 16900—Continued

Department or agency	Budget estimate of new budget (obligational) authority	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference agreement	Increase (+) or decrease (−) conference agreement compared with: Budget estimates	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
CHAPTER VII—Continued							
INDEPENDENT AGENCIES—Continued							
General Services Administration							
Real Property Operations							
Federal Buildings Fund							
Limitation on Availability of Revenue							
Expenses, Presidential transition	$450,000	$100,000	$100,000	$100,000	−$350,000		
(Limitation on nonreimbursable detail)			(220,000)	(70,000)	(+70,000)	(+$70,000)	(−$150,000)
Allowances and office staff for former presidents	400,000	100,000	100,000	100,000	−300,000		
Total, GSA	850,000	200,000	200,000	200,000	−650,000		
Total, Independent Agencies	74,426,000	73,776,000	76,150,500	74,650,500	+224,500	+874,500	−1,500,000
Total, Chapter VII, New budget (obligational) authority	360,753,000	356,092,000	367,466,500	365,966,500	+5,213,500	+9,874,500	−1,500,000
CHAPTER VIII							
Claims and judgments	51,472,873	50,569,662	51,472,873	51,472,873		+903,211	
CHAPTER IX							
DEPARTMENT OF THE INTERIOR							
Bureau of Land Management							
Management of land and resources (by transfer)	(12,400,000)		(12,400,000)	(12,400,000)		(+12,400,000)	
Office of Saline Water							
Saline water conversion		2,900,000	2,900,000	2,900,000	+2,900,000		
Geological Survey							
Surveys, investigations and research (by transfer)	(2,600,000)		(2,600,000)	(2,600,000)		(+2,600,000)	
Bureau of Indian Affairs							
Operation of Indian programs		2,214,000	5,294,000	2,814,000	+2,814,000	+600,000	−2,480,000
Construction			100,000				−100,000
Road construction (liquidation of contract authority)		(500,000)	(500,000)	(500,000)	(+500,000)		
RELATED AGENCIES							
Federal Energy Administration							
Salaries and expenses	16,000,000		8,000,000	8,000,000	−8,000,000	+8,000,000	
Total, Chapter IX, new budget (obligational) authority	16,000,000	5,114,000	16,294,000	13,714,000	−2,286,000	+8,600,000	−2,580,000
Liquidation of contract authority		(500,000)	(500,000)	(500,000)	(+500,000)		
By transfer	(15,000,000)		(15,000,000)	(15,000,000)		(+15,000,000)	
Grand total: New budget (obligational) authority	8,278,641,178	8,359,751,562	8,753,726,678	8,659,352,078	+380,710,900	+299,600,516	−94,374,600
Consisting of:							
Fiscal year 1975 appropriation	5,955,104,178	5,986,214,562	6,396,008,678	6,281,634,078	+326,529,900	+295,419,516	−114,374,600
Fiscal year 1976 appropriation	2,323,537,000	2,373,537,000	2,357,718,000	2,377,718,000	+54,181,000	+4,181,000	+20,000,000
By transfer	(42,400,000)		(40,900,000)	(42,400,000)		(+42,400,000)	(+1,500,000)
Liquidation of contract authority		(500,000)	(500,000)	(500,000)	(+500,000)		

Mr. McCLELLAN. Mr. President, most Members, I believe, recognize and understand how difficult it is to resolve the differences between the two bodies, particularly on a bill that deals with many departments and agencies such as this supplemental appropriation bill. For the most part, the conference agreement dealing with the differences over funding levels for the various programs were resolved and settled without a great amount of controversy. The several subcommittee chairmen and ranking Members having jurisdiction over the items that make up this supplemental worked diligently in resolving these differences, and will be able to comment on the issues which any Member may wish to inquire about.

Now, Mr. President, there are several amendments in disagreement which are not contained within the conference report. These amendments, except for the so-called Holt amendment, amendment No. 17, and amendment No. 11, will be called up for action after disposal of the conference report. And, except for the Holt amendment, I do not know of any controversy involved with these amendments. After adoption of the conference report, it is my intention to move to concur in the amendments of the House to the amendments of the Senate, separately and in regular order as the amendments are reported. If there are no questions, I yield.

Mr. YOUNG. Mr. President, I have no comments, except to concur in the views expressed by the distinguished

chairman of the committee that the conference report should be approved. We are $95,874,000 below the Senate bill in the conference report. It is $372,710,900 over the budget.

I may add it does have the support of 29 of the 31 Senate-House conferees. Two of them, the distinguished Senator from Massachusetts (Mr. BROOKE) and the distinguished Senator from New Jersey (Mr. CASE), have some objections to one amendment. Other than that, I think the conferees are all agreed.

Mr. McCLELLAN. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. CASE. Mr. President, I understand that motion is debatable.

The PRESIDING OFFICER. Does the Senator desire time?

Mr. CASE. I do not care whether it is on the chairman's time or my time.

I would like, if I could, to address a question to the chairman and to the majority leader.

Mr. McCLELLAN. May I suggest to the distinguished Senator after the conference report is approved these amendments will be offered.

I do not know whether the Senator objects to the conference report or to the amendments. The amendments will be offered separately.

Mr. CASE. As the Senator knows, I was a member of the conference and did not sign the report. I am opposed to the report because it contains the provision which has been referred to.

Mr. McCLELLAN. The Senator is within his rights.

Mr. CASE. Our colleague from Massachusetts (Mr. BROOKE) also wanted to be here to express his reasons for disagreeing. It is my understanding there might be a possibility, and I ask this in the presence of the distinguished Senator from West Virginia, that the vote on this amendment deleting the so-called Holt amendment might occur tomorrow.

Mr. McCLELLAN. I have no information about it. No one has consulted me about it.

Mr. COTTON. Will the Senator use his microphone so we can hear him speak?

Mr. McCLELLAN. Mr. President, all I can say is no one has consulted me about it. I have no idea when the vote will come. I cannot predict it. No one can predict when it is going to come, unless we agree when it is going to come. That is the way it can be established.

I hope we might agree that there might be a back-to-back vote tomorrow on this amendment, either before or after the vote on the confirmation of the Rockefeller nomination.

Mr. HUGH SCOTT. Mr. President, if the Senator will yield, I should like to express the same hope.

As the Senator knows, I have an amendment to offer on behalf of the distinguished majority leader, Senator MANSFIELD, and myself. As to whether we can agree to a vote on that today or tomorrow, I am not aware of the wishes of other Senators.

Mr. McCLELLAN. It is my understanding that it is the desire of all of us involved to have an agreement as to the time when the Holt amendment and the other amendment will be voted on and when the amendment of the Senator from Pennsylvania will be voted on. Is that the problem?

Mr. HUGH SCOTT. That is right.

Mr. McCLELLAN. The Senator wants that to be tomorrow?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ROBERT C. BYRD. If I understand what has been said so far, the distinguished Senator from New Jersey is interested in waiting until tomorrow for a vote on the Holt amendment. As I also understood the distinguished Republican leader, it would be immaterial as to whether it was tomorrow or today.

Mr. HUGH SCOTT. That is right.

Mr. ROBERT C. BYRD. He would be willing to go forward with his amendment today.

Mr. HUGH SCOTT. That is right—if I am given a half-hour's notice.

Mr. ROBERT C. BYRD. If I may suggest, I would like, if it meets with the approval of the distinguished leader and the distinguished chairman, to proceed with the amendment by Mr. HUGH SCOTT today, dispose of it, and have an agreement that we vote on the Holt amendment tomorrow, if the chairman would approve of that procedure.

Mr. McCLELLAN. As chairman, I am willing to make any accommodating agreement as to a time to vote. So far as the Chair is personally concerned, I inquire of the distinguished minority leader, with respect to the amendment to be proposed by him and the majority leader—cosponsored, I assume—whether it is an amendment that is very controversial. Is it anticipated that there will be prolonged debate in opposition to it or in support of it?

Mr. HUGH SCOTT. I have no information as to that. I think it will develop as the colloquy goes on.

I should have said that the amendment by Senator MANSFIELD and myself is an amendment to the Holt amendment.

Mr. McCLELLAN. Then, it would not be in order until the Holt amendment is before the Senate, I assume.

Mr. HUGH SCOTT. That is correct.

Mr. McCLELLAN. So it could not be brought up until the Holt amendment has been brought up.

Mr. ROBERT C. BYRD. That is correct.

Mr. HUGH SCOTT. The distinguished Senator from West Virginia and I did not make that clear in the beginning. I am sorry.

Mr. ROBERT C. BYRD. Are there other amendments on which we could proceed today?

Mr. McCLELLAN. I have not been advised of any, other than those I have reported.

I am willing to do anything within reason to expedite consideration of this matter.

Mr. ROBERT C. BYRD. I ask the distinguished Senator from Alabama whether he has any suggestions in connection with this matter.

Mr. ALLEN. I have no amendments to offer. I favor the conference report and the report of the conferees on the action to take, to send this matter to the President.

I am anxious to see the amendments as recommended by the conferees approved by the Senate.

I might state that the Senate has the power to act in this area and to send this important bill to the President. Any amendments such as proposed by the distinguished Senator from Pennsylvania and the distinguished Senator from Montana would require the amendments to go back to the House for further action. It is my understanding, from those who have felt the pulse of the House, that they do not want to yield on this particular point, having voted twice overwhelmingly to stand by their position.

I understood that the distinguished Senator from Massachusetts (Mr. BROOKE) was in hopes that this matter would not come up for a vote this afternoon. I am wondering whether we might make a request for the yeas and nays, which, under the unanimous-consent agreement, would probably postpone that vote until 4 o'clock.

I request the yeas and nays on the conference report, Mr. President.

The PRESIDING OFFICER. The question is on the adoption of the conference report, and the yeas and nays are requested.

The yeas and nays were ordered.

Mr. BAYH. Mr. President, as we consider this measure, it is appropriate to note the continuing plight of the citizens of Monticello, Ind. The April 3, 1974, tornadoes severely damaged the business districts of a number of American communities, among them Monticello. Our response was swift, and on April 10, 1974, the Senate approved the Disaster Relief Act Amendments of 1974, title V of which establishes a comprehensive Federal program to assist the economic recovery of communities crippled by natural disasters. That measure became Public Law 93-288 on May 22, 1974. To this day, however, the administration has failed to implement title V of the act. The reconstruction of Monticello must proceed, and for that reason the Senate report to the Department of Housing and Urban Development Appropriation for fiscal year 1975 states:

> In view of the urgent need to proceed with the reconstruction of communities ravaged by the April 3, 1974 tornadoes, pending the implementation of the economic recovery programs established by Title V of the Disaster Relief Act Amendments of 1974, the Committee encourages the use of urban renewal program funding for this purpose.

In accordance with this expression of congressional intent, HUD has committed $2 million to the reconstruction of Monticello, and those funds are expected to be available before the end of calendar year 1974. Unfortunately, Monticello remains very much in a bind because implementation of the economic recovery program of Public Law 93-288 is nowhere in sight and the urban renewal program which

served as a source of Monticello's initial $2 million commitment is being terminated.

The Monticello Redevelopment Commission estimates the total reconstruction cost at $8 million over 4 years, with a first-year requirement for $3 million. Assistant Secretary of Housing for Community Development, David O. Meeker, recently attended a meeting in my office with a number of Monticello's community leaders who came to Washington seeking a resolution to their current funding dilemma; and at that time Mr. Meeker expressed a willingness to consider providing Monticello with additional disaster reconstruction assistance. This is consistent with the Senate's stated intent regarding the interim use of urban renewal funding for disaster relief, prior to the termination of that program.

The reconstruction of Monticello cannot wait, and I urge the continued consideration of the use of interim funding sources for disaster-torn communities, pending the implementation of title V of Public Law 93-288. The measure before us, for example, provides an urgent needs transition fund of $50 million, as well as a discretionary fund, either one of which may lend itself to this purpose.

It must be noted that any delay in the rebuilding effort in Monticello, pending the implementation of the new disaster relief law, will jeopardize not only the future well-being of the community, but the financial interests of the Federal Government, which has already poured a vast sum into Monticello, in the form of debris removal; the provision of temporary school rooms; funding to restore and rebuild local government facilities, such as the White County courthouse; hundreds of thousands of dollars in low-cost Federal loans to homeowners and businessmen; and, of course, the more than $2 million already committed to launch the general economic recovery program in downtown Monticello.

Clearly, it makes good sense for all concerned to proceed with the rebuilding of Monticello as quickly as possible, and I urge continued action by the Department of Housing and Urban Development in support of this goal.

Mr. HELMS. Mr. President, I find myself in an unusual situation regarding the vote on agreeing to the conference report on H.R. 16900, the supplemental appropriations bill. When this bill was considered by the Senate on November 20, I voted against its passage. I did so because I was convinced that it was a bad bill—that it contained excessive and unjustifiable expenditures. Furthermore, this bill comes at a time when we desperately need to reduce Government spending rather than make appropriations such as those contained in H.R. 16900. All together there were 18 negative votes. The bill passed with 65 affirmative votes. The House of Representatives has agreed to the conference report. It is now before the Senate, and it appears obvious that it will pass.

But, I mentioned an unusual procedural situation. The provision regarding the Office of Education—conference amendment No. 17—was reported in technical disagreement. Therefore, it is not a part of the conference report proper. Because of this situation, the conference report proper is being considered by the Senate first. Then, the provisions reported by the conferees in disagreement will each be considered. The aforementioned provision relating to the Office of Education contains language offered by Congresswoman HOLT and approved by the House of Representatives. This language is as follows:

> None of these funds shall be used to compel any school system as a condition for receiving grants and other benefits from the appropriations above, to classify teachers or students by race, religion, sex, or national origin; or to assign teachers or students to schools, classes, or courses for reasons of race, religion, sex, or national origin.

Because this language will, if approved, help to return control of our schools to local units of government and to the people, I strongly favor it. In fact, I offered substantially the same amendment in the Senate on November 19. Because of the procedural situation, when we vote on the conference report proper, we will not know if the provision containing the above language will be agreed to by the Senate without modification. I am advised that there will not be a final wrap-up vote on the entire matter but that we will proceed on these matters separately.

Because of my strong wish for the Senate to retain in the bill the above language offered by Congresswoman HOLT and because it is evident that the conference report will be agreed to, I am voting in favor of concurring with the House on the conference report proper. I do so in the sure knowledge that excessive appropriations are being made, but the time to oppose them has passed. We opposed them on November 20, and proponents of the measures prevailed by a vote of 65 to 18. Today, the primary consideration is the language of the Holt amendment and the great good that will result for our schools and children if it becomes law.

For these reasons, I am voting to concur with the House in the conference report on H.R. 16900. I do so in the sincere hope that the Holt language will be retained by the Senate without modification.

Mr. ROTH. Mr. President, 2 weeks ago the Senate agreed to my amendment to reduce Federal travel and transportation expenses by 25 percent. Last week, after a flood of objections from various departments and agencies and the hint of a Presidential veto, Senate and House conferees reached a compromise agreement to cut Federal travel expenses by 10 percent.

I am happy that we have achieved this reduction in view of the stiff resistance this measure has met, but am also disappointed, of course, that the amount cut was not larger. However, I am pleased with the stiff fight that the Senate conferees made for the original amendment. I am particularly appreciative of the support given by Chairman MCCLELLAN, who deserves much of the praise and credit for retaining this limitation on Federal travel and for directing the Appropriations Subcommittees to conduct a continuing review of Government travel costs with a view toward achieving further reductions.

I also commend the conferees for agreeing that this travel cut should also apply to members of the legislative and judicial branches. Although these two branches combined spend less than 1 percent of the total travel budget, it is important that every branch contribute to the effort to economize.

I find some of the statements coming out of the executive branch disturbing and annoying. In the past 2 weeks my office has been bombarded with letters and phone calls from the Federal bureaucrats complaining about the inconveniences the amendment would cause, or requesting specific exemptions for certain agencies. These people seem to be getting their priorities mixed up. Being a member of the executive branch should not exempt a person from the cost-cutting and fuel-saving sacrifices that the President has asked all Americans to endure.

The top officials in the executive branch have been recommending budget cuts in a variety of Federal programs, including social security, education, and health programs. They have all stressed the need for tough measures to reduce excessive Federal spending. These same officials have also been pushing for energy conservation, calling on the American people to cut their driving plans and conserve energy.

But apparently some of these same officials believe that budget cuts and fuel-saving measures should apply to everyone but themselves. While millions of Americans cut back or cancel their own travel plans, officials in the executive branch complain that a Government travel cut would be inequitable. And while virtually every business and private organization has been forced to reduce its travel budget to save fuel and money, officials in the executive branch claim a travel cut would be disruptive.

Despite all of the complaining by the executive branch, I do not believe that this travel cut amendment will put the Government out of business. Even with a 10-percent reduction, the Federal Government will still be spending about $1.8 billion this fiscal year on travel. If essential Government travel cannot be done with that amount of money, perhaps they ought to hire some efficiency experts, or, better yet, reduce the number of Government bureaucrats.

And despite the protests, I want to emphasize that this is just the beginning of my efforts to cut out the waste, inefficiency, and duplication in the Government bureaucracy.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report.

FIVE-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, at 3:10 p.m. the Senate took a recess for 5 minutes.

The Senate reassembled at 3:15 p.m., when called to order by the Presiding Officer (Mr. HELMS).

REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on S. 3164, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3164) to provide for greater disclosure of the nature and costs of real estate settlement services, to eliminate the payment of kickbacks and unearned fees in connection with settlement services provided in federally related mortgage transactions, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 9, 1974, at pages H11392–H11395.)

Mr. PROXMIRE. Mr. President, I support the conference report on S. 3164, the Real Estate Settlement Procedures Act of 1974. I do so because the Senate position prevailed on the most important issue before the conferees. That issue is whether the Congress should repeal the authority of the Secretary of Housing and Urban Development to regulate settlement charges on FHA–VA mortgage transactions under section 701(a) of the Emergency Home Finance Act of 1970.

This authority was first enacted by the Congress as a way of curbing excessive settlement charges. However, S. 3164, as reported by the Senate Committee on Banking, Housing and Urban Affairs, repealed HUD's authority under section 701. On July 23 of this year, the Senate, by a vote of 55 to 37, approved my amendment to preserve HUD's authority to regulate settlement charges.

By way of contrast, the House bill repealed HUD's authority under section 701. However, the House conferees receded from the House position and the Senate position prevailed. I believe this represents a victory for the homebuyer and a defeat for the real estate settlement lobby which tried so hard to repeal HUD's authority to regulate settlement charges.

I am also pleased that the joint explanatory statement of the conference committee clarifies the fact that HUD really has authority to regulate settlement charges throughout a particular market area. Unfortunately, the record of the Senate debate on this issue last July is somewhat murky. Some Senators who were on the losing side of the vote inserted statements into the RECORD claiming that Congress never really intended to give HUD the authority to regulate settlement charges in the first place.

However, these statements were merely inserted into the RECORD and never actually delivered. The fact that these statements were not challenged in the record of the debate does not mean they were agreed to by all participants in the debate. Those who would have sharply disagreed, including this Senator, had no opportunity to voice their disagreement because of the manner in which the statements were inserted into the RECORD.

It is entirely clear to me that Congress did intend, in 1970, to give the Secretary of HUD the authority to regulate real estate settlement charges on FHA–VA mortgage transactions. This view is fortified by an opinion from the HUD general counsel dated February 4, 1972, for which I ask unanimous consent to have inserted into the RECORD following my remarks. Moreover, the conference report on S. 3164 clearly reaffirms the view that Congress intends to give the Secretary of HUD authority to regulate settlement charges.

For example, the joint explanatory statement states that the continuation of HUD's authority under section 701 "is desirable for its deterrent effect and can, in fact, facilitate the achievement of the purposes of the act." In other words, the mere threat of invoking HUD's regulatory authority can deter excessive increases in settlement charges. Obviously, if HUD had no real authority to begin with, the threat to invoke such nonexistent authority could hardly constitute a realistic deterrent.

Also, the joint explanatory statement goes on to indicate that—

Nothing in the Act is intended to preclude the Secretary's use of section 701 authority at any time he finds it necessary to curb abuses in specific market areas.

In other words, the Secretary of HUD is free to act tomorrow to regulate settlement charges throughout a particular geographic area if he finds that settlement charges in that area are substantially out of line with the rest of the country. I am hopeful that this new congressional guidance to the Secretary of HUD will convince him to use his authority, on a selective basis, to protect the public from excessive settlement charges.

It should also be noted that the conference report retains the broader definition of settlement charges included in the present law. This definition has been interpreted by HUD to include real estate sales commissions. Congress attempted, in 1972, to exclude real estate commissions from the definition of settlement charges but no legislation was enacted. The National Association of Realtors contacted members of the conference committee on S. 3164 and urged them to exclude real estate commissions from the definition of settlement charges.

However, the conference committee gave no consideration to this request. As a result, real estate commissions along with all other settlement charges are subject to HUD's regulatory authority under section 701. I believe the inclusion of real estate commissions is important because they comprise nearly $6 billion of the $14 billion in settlement charges paid by the American public each year.

Mr. President, the reforms contained in S. 3164 as it was finally agreed to by the conference committee are certainly a step in the right direction. Even though many of them are already contained in existing law or administrative regulations, it is desirable for the Congress to reaffirm its concern in this area. The bill provides for a full and timely disclosure of settlement charges, prohibits kickbacks, limits payments into escrow accounts, and achieves other improvements in the real estate settlement process. It should be clearly understood, however, that this bill is by no means the final answer to the settlement charge problem. In my opinion, it does not go nearly far enough in reducing excessive settlement charges.

More disclosure is fine, but I do not believe more disclosure and the other provisions of S. 3164 will appreciably reduce settlement charges for the average home buyer. This is because the real estate settlement process is inherently an anticompetitive situation. The average person buys or sells a home only once or twice in his life-time. He is a babe in the woods compared to the real estate settlement professionals who deal in hundreds of transactions a year. The typical home buyer is not going to be materially helped by more disclosure when he has no basis for judging the real need for particular services, or the reasonableness of the charge.

Moreover, price competition in real estate settlement services is deliberately discouraged through minimum fee schedules and similar devices. It is interesting to note that President Ford also does not think S. 3164 is the final answer to excessive real estate settlement charges. In his economic message to the Congress on October 8, President Ford pledged a more vigorous antitrust attack against noncompetitive professional fee schedules and real estate settlement fees.

Since S. 3164 does not go into effect for 1 year, Congress will have ample opportunity next year to consider stronger measures for reducing excessive settlement charges. I believe we need to take a close look at the antitrust enforcement program proposed by the Ford administration. Perhaps this will do the job. At the same time, I believe we need to explore in depth other approaches. One approach is to mandate the Secretary of HUD to issue regulations by a specified date to limit settlement charges on all residential real estate transactions.

Another approach which has received growing support from consumer organizations and legal scholars is to require the lender to pay for those settlement charges which he requires as a condition for making the loan. The superior economic leverage of the lender will eliminate unnecessary and excessive settlement charges while, hopefully, competi-

tion between lenders will force these savings to be passed on to the general public. Another approach suggested by Senator HATHAWAY is to require that HUD furnish certain settlement services direct to the buyer. All of these approaches should be explored carefully next year.

Mr. President, I do not wish to denigrate the work that has gone into S. 3164. It is a good and worthwhile bill. But we should not be deceived into thinking that S. 3164 is the final answer. It is merely a first step. The Congress and the administration will have to give further consideration to the problem next year and in the years ahead.

I ask unanimous consent that a memorandum on mortgage settlement costs prepared by HUD be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

FEBRUARY 4, 1972.

Memorandum for: Eugene A. Gulledge, Assistant Secretary-Commissioner.

Subject: Report on Mortgage Settlement Costs, Regulation of Maximum Settlement Costs.

In connection with the Report to the Congress on Mortgage Settlement Costs, you have asked our opinion as to whether this Department has the legal authority to set maximums on settlement costs paid by both buyers and sellers in connection with insured mortgage transactions. For the reasons set forth below, in our opinion, HUD does have such legal authority based on Section 701(a) of the Emergency Home Finance Act of 1970, which provides that:

"Sec. 701(a) With respect to housing built, rehabilitated, or sold with assistance provided under the National Housing Act or under chapter 37 of title 38, United States Code, the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs are respectively *authorized and directed to prescribe standards governing the amounts of settlement costs allowable in connection with the financing of such housing* in any such area. Such standards shall—

(1) be established after consultation between the Secretary and the Administrator;

(2) be consistent in any area for housing assisted under the National Housing Act and housing assisted under chapter 37 of title 38, United States Code; and

(3) be based on the Secretary's and the Administrator's estimates of the reasonable charge for necessary services involved in settlements for particular classes of mortgages and loans." (Emphasis added.)

From the legislative history of Section 701 it appears that Congress had both buyer settlement costs and seller settlement costs in mind. House Report No. 91-1131 to accompany H.R. 17495 and Senate Report 91-761 to accompany S. 3685 both state:

"It is the committee's intent that the study and recommendations on settlement costs cover not only Government-assisted mortgage transactions but also all residential real estate transactions, *with particular reference to those transactions involving single-family homes where the unsophisticated purchaser or seller is often unfamiliar with the complex details of transferring real estate title.*" (Emphasis added.)

The paragraph quoted indicates the concern of the Congress with both the buyer and seller. This concern provides an adequate legal basis when coupled with the obvious need to control both sides of the transaction to prevent costs to the seller from increasing as costs to the buyer decrease. Unless both sides are controlled, the true cost to the buyer will be hidden in the sales price.

It is clear also that the authority in the Emergency Home Finance Act includes the authority to prescribe maximums. This is because of the direction of Sec. 701(a) that HUD and VA prescribe "standards governing the amounts of settlement costs *allowable.*" (Emphasis added.)

The exercise of such authority constitutes rulemaking governed by the Administrative Procedure Act. The standards and maximums must be promulgated as HUD regulations. They must, therefore, in accordance with HUD policy, be adopted through the normal Federal Register procedure, which requires published notice and opportunity for public comment prior to adoption of the final rule. Also, because under Section 701(a)(1), such standards and maximums may be established only after consultation between the Secretary of HUD and the Administrator of the Veterans' Administration, adoption of the final rules probably should be by simultaneous issuance by HUD and VA.

Therefore, procedurally, it would appear necessary first to determine tentative "reasonable charges" for specifically delineated "areas" of the country, in conjunction with VA, and then to publish proposed maximum charges for comment. After consideration of comments, the rules could be adopted on an area by area basis as they are approved. Final approval of maximum reasonable charges would have to be a central office function of HUD and VA to assure a reasonable relationship between the maximums allowed in different areas for similar services.

Some items of settlement costs, such as transfer taxes and recording fees, are charged directly by State and local governing bodies and HUD should not attempt to regulate such charges without further examination of the relevant legal questions. Other items of settlement costs, such as title insurance premiums or attorney's minimum fees are charged by private parties but may be set or approved by States or other public or quasi-public bodies. Any finding by HUD that such privately-charged costs are too high must, of course, be carefully documented to overcome a presumption that they are "reasonable".

It should be noted that any attempt to regulate seller settlement costs, particularly real estate sales commissions, undoubtedly will lead to litigation. Although we believe that such regulation would be supportable on the reasoning discussed above, the questions presented would be novel and there can be no final and absolute legal determination at this time. Regardless of the manner in which the precise legal questions may be presented in litigation, the outcome may well hinge on how well this Department is able to document and justify the basis upon which the maximum allowable charges are established from area to area.

DAVID O. MAXWELL.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JACKSON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PROXMIRE. I yield.

TRADE REFORM ACT OF 1974

AMENDMENT NO. 2000

Mr. JACKSON. Mr. President, I ask unanimous consent that amendment No. 2000, which has been printed and which I sent to the desk last week, be considered as having been read to meet the reading requirements of rule XXII, should cloture be invoked in connection with H.R. 10710, the trade bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, may I ask the Senator from Washington what he is referring to?

Mr. JACKSON. This is the amendment in connection with Russian emigration, which must be offered to the bill in order to authorize the President to waive the present ban in connection with most-favored-nation treatment and credit, should they not comply with the understanding that has been worked out on emigration.

I would say to my good friend from Michigan that my concern is a technical one, that if I do not do this and cloture is invoked, this amendment would not be in order, and I would say that would jeopardize the whole bill.

Mr. GRIFFIN. As far as I know, no cloture motion has yet been filed.

Mr. JACKSON. No, this is anticipatory.

Mr. GRIFFIN. As I understand it, I think this is a subject that would ordinarily be considered as relevant, and I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MOSS. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Commerce be granted privilege of the floor during consideration and votes on the trade bill and amendments thereto: Lynn Sutcliffe, Henry Lippek, Ed Merles, and Dave Freeman.

I ask unanimous consent that the same privileges be granted to Colin Mathews of my personal staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974—CONFERENCE REPORT

The Senate continued with the consideration of the report of the Committee of Conference on the disagreeing votes of the two Houses on S. 3164, the Real Estate Settlement Procedures Act of 1974.

Mr. PROXMIRE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL RESERVE POLICY DEEPENS THE RECESSION

Mr. PROXMIRE. Mr. President, the recession is being cruelly and unneces-

sarily deepened by the continued high interest rates caused by Federal Reserve policy.

The recession has deepend and will, in part, continue to deepen for the next several months at least because of the "super tight" money policies followed by the Federal Reserve Board in the second half of this year.

Since June the money supply has increased at a pitifully inadequate 3 percent. This is an excessively tight policy for two reasons: First, the economy has been in a recession since December of 1973 with production in real terms falling sharply and consistently throughout that period, and unemployment has increased rapidly since June.

Second, an inflation led by oil, steel, chemicals, and food has skyrocketed prices at a 12 percent rate. Result, the 3-percent increase in the money supply translates into a "real" contraction of money of 9 percent.

If this were a demand type inflation with too much money chasing too few goods we would have an agonizing choice between aggravating the inflation by turning on the money spigot and crucifying the unemployed by keeping it turned off.

Fortunately, we do not have that cruel choice. No one who has paid any attention to the economy calls this a demand inflation. Retail sales—the prime evidence of demand—are in real terms down and have been consistently down. Unemployment is increasing rapidly and hours of work are literally the shortest in the history of the country.

Our problem is not too much but too little demand. By refusing to provide the credit our system needs, the Federal Reserve Board is restraining job-producing activity in the private sector, and making major public employment—including even the possibility of a return to the old WPA, a greater and greater political probability.

The way to meet the problem of higher prices and fewer jobs is to give the private sector its head. Here the discipline of competition, the necessity of holding down costs, and especially the fact that the private sector, unlike the military and space programs for example, produces economic goods means that more activity will produce both jobs and the abundance of goods that can reduce the rate of inflation.

By persisting in its supertight monetary policy the Federal Reserve Board is responsible for increasing unemployment. It is also assuring that the Federal budget will be bigger and the Federal deficit greater. How else can Congress and the President react except with increased spending when 6 million of our fellow citizens want work and cannot find it?

So I call on the Federal Reserve Board to reconsider its tight money policy as rapidly as it can and as rapidly as it should.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. HRUSKA proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 6274—RELIEF TO PAYEES AND SPECIAL ENDORSEES OF FRAUDULENTLY NEGOTIATED CHECKS DRAWN ON DESIGNATED DEPOSITARIES OF THE UNITED STATES

Mr. HRUSKA. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6274.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 6274) to grant relief to payees and special endorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund, and for other purposes.

Mr. HRUSKA. Mr. President, this bill would grant relief to payees and special endorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund.

This bill was passed by the House of Representatives in September of last year. It came over to the Senate where it was considered by the Committee on the Judiciary and was approved in the identical form in which it was approved and passed by the House.

However, on the floor of the Senate the bill was amended so as to add a provison which sought to permit the contribution of Federal surplus property to the States for use in their criminal justice programs.

The House has disagreed with that amendment. We are prepared—and this is done after consultation with the senior Senator from Arkansas, who was the principal sponsor of the amendment—to recede from the amendment to this bill. This is done on the basis of assurances received from the other body that during the conference committee meeting on S. 821 that the House Committee on Government Operations was taking up a general revision of the subject of excess and surplus property disposition. The hope is expressed that this revision will get consideration to the needs of law enforcement agencies in this regard.

Mr. President, for these reasons, I move that the Senate recede from its amendment to the bill.

The motion was agreed to.

Mr. HRUSKA. I thank the Senator for yielding.

REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on S. 3164, the Real Estate Settlement Procedures Act of 1974.

Mr. BROCK. Mr. President, I rise in support of the conference report accompanying S. 3164, the Real Estate Settlement Procedures Act of 1974.

Quick passage of this important consumer protection legislation will be the most meaningful step Congress can take this year to bring immediate relief to the prosepctive home buyer from the high cost of homeownership. The home buyer has had to shoulder enormous financial burdens in the past which really were unnecessary and self-defeating. If this legislation is enacted, the prospective buyer will know exactly what he is paying for, and if he is really paying for a necessary service.

This bill provides reforms in the complex real estate settlement process needed to insure that consumers are provided with greater and more timely information on the nature and costs of the settlement. It eliminates certain abusive practices, such as kickbacks, which increase the costs of real estate settlements. Additionally, amounts that home buyers are required to place in escrow accounts will be limited.

The most significant difference between the Senate and House versions was resolved when the conference commitee agreed to retain section 701 of the Emergency Home Finance Act of 1970. That section gives the Department of Housing and Urban Development and the Veterans' Administration the authority to prescribe standards governing the amounts allowable in connection with the financing of HUD and VA assisted housing. The conference recognized that section 701 authority is not currently being used, but that it can be retained as standby authority for the deterrent effect and can, in fact, facilitate the achievement of the purposes of the act.

Those of us who believe that section 701 ought to be repealed are convinced on the basis of the hearings and floor debate that took place on S. 3164 that HUD now recognizes that this section does not authorize Federal rate regulation. Moreover, we are convinced that HUD will not arbitrarily use this standby authority and that any "standards" developed by HUD under section 701 will be based on a full and fair analysis of the costs of rendering settlement services.

The Senate bill would:

Prohibit all kickbacks and referral fees paid or received in connection with a real estate settlement;

Require HUD to develop special information booklets to explain in understandable language the settlement process and its costs and these booklets will have to be given by a mortgage lender to a prospective home buyer at the time he files a mortgage loan application;

Require the lender to provide the home buyer with a detailed estimate of his settlement costs sufficiently in advance of the closing to allow the home buyer to comparative shop for settlement services and to be fully aware of the various

charges—such as transfer taxes, recording fees, et cetera—that he will have to pay at closing;

Require HUD to develop a uniform settlement statement for use in all federally related mortgage loans so as to eliminate the confusion caused by the tremendous diversity of forms presently used throughout the country;

Place strict limitations on the amounts lenders can require borrowers to pay into escrow accounts established for the purpose of insuring payment of real estate taxes and insurance;

Require HUD to take steps to develop model land recordation systems that can subsequently be adopted by local governments to eliminate the present wasteful and costly systems of recording and indexing land title information; and

Require HUD to report back to the Congress on what further legislative measures may be needed to deal with problems and unreasonable practices in the settlement process.

All of these important provisions were retained by the conference. The conference report contains the following House provisions relating to property covered by federally related mortgage loans;

In certain cases the seller would be required to disclose to the buyer the previous selling price of the property;

Sellers of property would be prohibited from requiring buyers who are the purchasers of title insurance to use a particular title company;

The beneficial interest of a person in a federally-related mortgage loan would have to be revealed to the lender and appropriate Federal regulatory agency; and finally

States would be allowed to enforce their settlement practice laws which are not inconsistent with the act.

Quick action by the Senate and House on the conference report and the signing of the act into law by the President this year will bring needed relief to the hard-pressed homebuyer.

I am delighted with the action of the conferees.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. PROXMIRE. Mr. President, I move that the printing of the conference report as a Senate document be waived.

The motion was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from California may be recognized to call up a matter which he and the Senator from Nebraska are in agreement on, that there be a time limitation of 8 minutes to be equally divided between them.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

ANTITRUST PROCEDURES AND PENALTIES ACT

Mr. TUNNEY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 782.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate the amendment of the House of Representatives to the bill (S. 782) to reform consent decree procedures, to increase penalties for violation of the Sherman Act, and to revise the Expediting Act as it pertains to Appellate Review, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Antitrust Procedures and Penalties Act".

CONSENT DECREE PROCEDURES

SEC. 2. Section 5 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 16), is amended by redesignating subsection (b) as (i) and by inserting immediately after subsection (a) the following:

"(b) Any proposal for a consent judgment submitted by the United States for entry in any civil proceeding brought by or on behalf of the United States under the antitrust laws shall be filed with the district court before which such proceeding is pending and published by the United States in the Federal Register at least 60 days prior to the effective date of such judgment. Any written comments relating to such proposal and any responses by the United States thereto, shall also be filed with such district court and published by the United States in the Federal Register within such sixty-day period. Copies of such proposal and any other materials and documents which the United States considered determinative in formulating such proposal, shall also be made available to the public at the district court and in such other districts as the court may subsequently direct. Simultaneously with the filing of such proposal, unless otherwise instructed by the court, the United States shall file with the district court, publish in the Federal Register, and thereafter furnish to any person upon request, a competitive impact statement which shall recite—

"(1) the nature and purpose of the proceeding;

"(2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;

"(3) an explanation of the proposal for a consent judgment, including an explanation of any unusual circumstances giving rise to such proposal or any provision contained therein, relief to be obtained thereby, and the anticipated effects on competition of such relief;

"(4) the remedies available to potential private plantiffs damaged by the alleged violation in the event that such proposal for the consent judgment is entered in such proceeding;

"(5) a description of the procedures available for modification of such proposal; and

"(6) a description and evaluation of alternatives to such proposal actually considered by the United States.

"(c) The United States shall also cause to be published, commencing at least 60 days prior to the effective date of the judgment described in subsection (b) of this section, for 7 days over a period of 2 weeks in newspapers of general circulation of the district in which the cases has been filed, in the District of Columbia, and in such other districts as the court may direct—

"(i) a summary of the terms of the proposal for the consent judgment,

"(ii) a summary of the competitive impact statement filed under subsection (b),

"(iii) and a list of the materials and documents under subsection (b) which the United States shall make available for purposes of meaningful public comment, and the place where such materials and documents are available for public inspection.

"(d) During the 60-day period as specified in subsection (b) of this section, and such additional time as the United States may request and the court may grant, the United States shall receive and consider any written comments relating to the proposal for the consent judgment submitted under subsection (b). The Attorney General or his designee shall establish procedures to carry out the provisions of this subsection, but such 60-day time period shall not be shortened except by order of the district court upon a showing that (1) extraordinary circumstances require such shortening and (2) such shortening is not adverse to the public interest. At the close of the period during which such comments may be received, the United States shall file with the district court and cause to be published in the Federal Register a response to such comments.

"(e) Before entering any consent judgment proposed by the United States under this section, the court shall determine that the entry of such judgment is in the public interest. For the purpose of such determination, the court may consider—

"(1) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

"(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

"(f) In making its determination under subsection (e), the court may—

"(1) take testimony of Government officials or experts or such other expert witnesses, upon motion of any party or participant or upon its own motion, as the court may deem appropriate;

"(2) appoint a special master and such outside consultants or expert witnesses as the court may deem appropriate; and request and obtain the views, evaluations, or advice of any individual, group or agency of government with respect to any aspects of the proposed judgment or the effect of such judgment, in such manner as the court deems appropriate;

"(3) authorize full or limited participation in proceedings before the court by interested persons or agencies, including appearance amicus curiae, intervention as a party pursuant to the Federal Rules of Civil Procedure, examination of witnesses or documentary materials, or participation in any other manner and extent which serves the public interest as the court may deem appropriate;

"(4) review any comments including any objections filed with the United States under subsection (d) concerning the proposed judgment and the responses of the United States to such comments and objections; and

"(5) take such other action in the public interest as the court may deem appropriate.

"(g) Not later than 10 days following the

date of the filing of any proposal for a consent judgment under subsection (b), each defendant shall file with the district court a description of any and all written or oral communications by or on behalf of such defendant, including any and all written or oral communications on behalf of such defendant, or other person, with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection. Prior to the entry of any consent judgment pursuant to the antitrust laws, each defendant shall certify to the district court that the requirements of this subsection have been complied with and that such filing is a true and complete description of such communications known to the defendant or which the defendant reasonably should have known.

"(h) Proceedings before the district court under subsections (e) and (f) of this section, and the competitive impact statement filed under subsection (b) of this section, shall not be admissible against any defendant in any action or proceeding brought by any other party against such defendant under the antitrust laws or by the United States under section 4A of this Act nor constitute a basis for the introduction of the consent judgment as prima facie evidence against such defendant in any such action or proceeding."

PENALTIES

SEC. 3. Sections 1, 2, and 3 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1, 2, and 3), are each amended—

(1) by striking out "misdemeanor" whenever it appears and inserting in lieu thereof in each case "felony";

(2) by striking out "fifty thousand dollars" whenever such phrase appears and inserting in lieu thereof in each case the following: "one million dollars if a corporation, or, if any other person, one hundred thousand dollars"; and

(3) by striking out "one year" whenever such phrase appears and inserting in lieu thereof in each case "three years".

EXPEDITING ACT REVISIONS

"SEC. 4. (a) The first section of the Act of February 11, 1903 (15 U.S.C. 28; 49 U.S.C. 44), commonly known as the "Expediting Act", is amended to read as follows:

"SECTION 1. In any civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, wherein the United States is plaintiff and equitable relief is sought, the Attorney General may file with such court, prior to the entry of final judgment, a certificate that, in his opinion, the case is of general public importance. Upon filing of such certificate, it shall be the duty of the judge designated to hear and determine the case, or the chief judge of the district court if no judge has as yet been designated, to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.".

(b) Section 2 of the Act of February 11, 1903 (15 U.S.C. 29; 49 U.S.C. 45), commonly known as the Expediting Act, is amended to read as follows:

"SEC. 2. (a) Except as otherwise expressly provided by this section, in every civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved June 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, in which the United States is the complainant and equitable relief is sought, any appeal from a final judgment entered in any such action shall be taken to the court of appeals pursuant to sections 1291 and 2107 of title 28 of the United States Code. An appeal from an interlocutory order entered in any such action shall be taken to the court of appeals pursuant to section 1292(a)(1) and 2107 of title 28, United States Code, but not otherwise. Any judgment entered by the court of appeals in any such action shall be subject to review by the Supreme Court upon a writ of certiorari as provided in section 1254(1) of title 28, United States Code.

"(b) An appeal from a final judgment entered in any action specified in subsection (a) shall lie directly to the Supreme Court if the Attorney General files in the district court a certificate stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice. Such certificate shall be filed within 10 days after the filing of a notice of appeal. When such a certificate is filed, the appeal and any cross appeal shall be docketed in the time and manner prescribed by the rules of the Supreme Court. The Supreme Court shall thereupon either (1) dispose of the appeal and any cross appeal in the same manner as any other direct appeal authorized by law, or (2) deny the direct appeal and remit the case to the appropriate court of appeals, which shall then have jurisdiction to hear and determine such case as if the appeal and any cross appeal in such case had been docketed in the court of appeals in the first instance pursuant to subsection (a).".

APPLICATION OF EXPEDITING ACT REVISIONS

SEC. 5. (a) Section 401(d) of the Communications Act of 1934 (47 U.S.C. 401(d)) is repealed.

(b) Section 3 of the Act entitled "An Act to further regulate commerce with foreign nations and among the States", approved February 19, 1903 (32 Stat. 849; 49 U.S.C. 43), is amended by striking out the following: "The provisions of an Act entitled 'An Act to expedite the hearing and determination of suits in equity pending or hereafter brought under the Act of July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that may be hereafter enacted, approved February eleventh, nineteen hundred and three,' shall apply to any case prosecuted under the direction of the Attorney-General in the name of the Interstate Commerce Commission".

EFFECTIVE DATE OF EXPEDITING ACT REVISIONS

SEC. 6. The amendment made by section 4 of this Act shall not apply to an action in which a notice of appeal to the Supreme Court has been filed on or before the fifteenth day following the date of enactment of this Act. Appeal in any such action shall be taken pursuant to the provisions of section 2 of the Act of February 11, 1903 (32 Stat. 823), as amended (15 U.S.C. 29; 49 U.S.C. 45), which were in effect on the day preceding the date of enactment of this Act.

Mr. TUNNEY. Mr. President, on November 19, the House passed, with an amendment, S. 782, the Antitrust Procedures and Penalties Act. During the last 2 weeks, negotiations have resulted in agreement among various Senators, and with Members of the House, on certain changes which should be made in the House-passed version of S. 782.

Today I will move, on behalf of Senator HRUSKA, to accept the House amendments to S. 782, with a further amendment. By means of this procedure, my colleagues and I expect that the House can then adopt the bill as revised and send it to the White House for signature. This will avoid the necessity of going to a conference in these hectic, final days of the session.

The amendment which I will propose, makes some changes in the third title of this bill, dealing with the procedures for appeals of final judgments of antitrust cases. The provisions of the first two titles of the bill, which contain reforms of the consent decree process, and a major increase in penalties for antitrust violations, are unchanged.

Mr. President, our action today in repassing S. 782, with an amendment, marks what I hope is the culmination of more than 2 years of effort to strengthen the antitrust laws.

The genesis of this legislation came during the hearings held by the Senate Judiciary Committee on the nomination of Richard Kleindienst, the hearings which quickly became known as the ITT hearings, because the major issue involved allegations that a massive behind-closed-doors campaign resulted in halting the Justice Department's prosecution of the ITT case and its hasty settlement favorable to the company. During these hearings, I became concerned with the apparent weaknesses of the consent decree process, which could allow this kind of corporate pressures to be exercised.

I asked many questions of the witnesses at the ITT hearings concerning the consent decree process, and I forwarded these questions to the Department of Justice. As a result of the information generated during the ITT hearings, Senator GURNEY and I introduced a bill, in the fall of 1972, to prevent back room deals in the consent decree process for the Department of Justice.

This bill was reintroduced in the 93d Congress as S. 782, and after several days of hearings and unanimous approval by the full Judiciary Committee, I was privileged to be Senate floor manager when the Antitrust Penalties and Procedures Act was adopted by an unusual roll call vote of 92–0 in July, 1973.

The Senate bill was the first significant reform of the antitrust laws in 2 decades. It opened up the consent decree process, by requiring the Justice Department to file with the court and publish an "impact statement" explaining the background, purpose, and effect of each proposed consent decree. The public would then have 60 days to study and comment on this impact statement, and the Department would also have to file with the court and publish in the Federal Register answers to all the public comments. Relevant materials and documents would have to be made available by the Department to the public.

Under the Senate-passed bill, the defendant will also have to file within 10 days after the proposed consent decree is filed, a statement detailing all contacts made by the defendant's employees or officials with officials of the Government, concerning the consent decree. An

exemption was provided for contacts made by or in the presence of the counsel of record. This provision was a concrete response to the intensive lobbying of all levels of government officials—up to the Vice President—which was revealed in the ITT case.

After the 60 day period is over, the judge would have the obligation to review all the filed papers and comments, and determine if the proposed consent decree is in the public interest. The judge could, if he felt necessary, call for more documents or hold a hearing, although the usual case would not require any additional proceedings.

Through these reforms, I am convinced that the consent decree process will be opened up to significant public scrutiny, and judges will take a more active role in assessing the worth of the proposed judgments. However, these new procedures will not be burdensome, and will not interfere with the important role which consent decrees have in disposing of the large bulk of antitrust cases.

In adopting S. 782, the Senate also made two other changes in the antitrust laws. First, the fines for violations of the Sherman Act were increased greatly, to provide a greater deterrent to violations. The existing maximum fine of $50,000 was raised to a maximum of $100,000 for individuals and $500,000 for corporations.

Second, some amendments were made to the law governing the appeal of antitrust cases.

After more than a year's consideration in the House, S. 782 was finally passed by that body on November 19 of this year. Given the preoccupation of the House Judiciary Committee with impeachment and related matters over the past year, this action demonstrated the great interest and commitment of Chairman RODINO and his committee members to this important reform measure. The House has made several, mostly minor, changes in the bill as passed by the Senate, but the consent decree and appeals portions of the bill remain essentially unchanged in scope and effect. The House did take a major step in further increasing the maximum penalties for antitrust violations, following the welcome expression of interest in this subject by President Ford and Attorney General Saxbe. In line with the recommendations made by the administration, the House increased the maximum corporate fine to $1 million, and increased the severity of violations from a misdemeanor to a felony, also increasing the maximum jail sentence from 1 to 3 years.

I am in full agreement with these further increases, which will serve to demonstrate the importance which the Congress and the executive branch place on antitrust enforcement as a means of lowering costs of goods to the consumer, and making our economic marketplace more equitable.

Although the work of the House on this bill was generally most helpful, Senators HRUSKA and ERVIN have expressed reservation about one change made by the House. This involves the procedure for handling appeals of final judgments of antitrust cases. Under the bill as passed by the Senate, appeals from final judgments of Government antitrust cases will go to the courts of appeals, in contrast to present law where appeals go directly to the Supreme Court.

The Senate-passed bill did provide for a special procedure to allow direct appeals to the Supreme Court in cases of general public importance: The defendant or the Department of Justice could file with the judge, within 15 days of the filing of a notice of appeal, an application for direct appeal to the Supreme Court. If the judge certifies the request, the appeal would be docketed with the Supreme Court following its rules. The Court would then decide whether to hear the case immediately, or remand it to the court of appeals for normal adjudication, in which case a writ of certiorari could be sought at a later time.

The House version of this special procedure for direct appeal to the Supreme Court differs from the Senate version only in the way the decision is made. Instead of allowing the district judge to decide, upon motion of either party, the House version allows the Attorney General alone to file a certificate accomplishing the direct appeal, where the Attorney General feels that immediate consideration of the appeal is of general public importance.

I am willing to acceed, to the preferences of my two colleagues for the Senate-passed version of this provision on direct appeals to the Supreme Court. It is this change alone which is accomplished by the amendment which I offer at this time to the House amendment to S. 782. I have been assured by Senator HRUSKA, that he is willing to accept the other amendments made by the House to the bill.

By making this amendment, and returning the bill to the House, it is my hope and expectation that further changes in the bill can be avoided and the legislation sent to the White House. It has been my intent to avoid a conference on this bill, if possible, since I know how busy all of us in both Houses are in the final days of this session. It is my understanding that the chairman and ranking member of the House Judiciary Committee, Mr. RODINO and Mr. HUTCHINSON, will be agreeable to the changes we are making today, and will act promptly to send this bill to the White House.

I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, may I inquire of the Senator whether he has proposed the amendment or does he want me to propose it?

Mr. TUNNEY. Well, I was going to propose it myself, but inasmuch as the Senator is here and it is his amendment, I do not see any reason why I should.

Mr. HRUSKA. That pertains to the amendment that is at the desk at the present time?

Mr. TUNNEY. That is correct.

Mr. HRUSKA. Mr. President, I would like to make a few remarks on it.

The PRESIDING OFFICER. The Chair would inquire if the Senator wishes the amendment to be called up.

Mr. HRUSKA. Mr. President, I move the Senate agree to the engrossed amendment of the House to the bill (S. 782) to reform consent decree procedures, to increase penalties for violation of the Sherman Act, and to revise the expediting act as it pertains to appellate review, with the following amendment to such engrossed amendent; namely, striking at page 8, beginning with line 4, the balance of that amendment to the end of the amendment and insert in lieu thereof the following, and I ask that the amendment which is at the desk be read and considered.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, beginning with line 4, strike out all through the end of the amendment and insert in lieu thereof the following:

EXPEDITING ACT REVISIONS

SEC. 4. Section 1 of the Act of February 11, 1903 (32 Stat. 823), as amended (15 U.S.C. 28; 49 U.S.C. 44), commonly known as the Expediting Act, is amended to read as follows:

"SECTION 1. In any civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, wherein the United States is plaintiff and equitable relief is sought, the Attorney General may file with the court, prior to the entry of final judgment, a certificate that, in his opinion, the case is of a general public importance. Upon filing of such certificate, it shall be the duty of the judge designated to hear and determine the case, or the chief judge of the district court if no judge has as yet been designated, to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

SEC. 5. Section 2 of that Act (15 U.S.C. 29; 49 U.S.C. 45) is amended to read as follows:

"(a) Except as otherwise expressly provided by this section, in every civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, in which the United States is the complainant and equitable relief is sought, any appeal from a final judgment entered in any such action shall be taken to the court of appeals pursuant to sections 1291 and 2107 of title 28 of the United States Code. Any appeal from an interlocutory order entered in any such action shall be taken to the court of appeals pursuant to sections 1292(a)(1) and 2107 of title 28 of the United States Code but not otherwise. Any judgment entered by the court of appeals in any such action shall be subject to review by the Supreme Court upon a writ of certiorari as provided in section 1254(1) of title 28 of the United States Code.

"(b) An appeal from a final judgment pursuant to subsection (a) shall lie directly to the Supreme Court if, upon application of a party filed within fifteen days of the filing of a notice of appeal, the district judge who adjudicated the case enters an order stating that immediate consideration

of the appeal by the Supreme Court is of general public importance in the administration of justice. Such order shall be filed within thirty days after the filing of a notice of appeal. When such an order is filed, the appeal and any cross appeal shall be docketed in the time and manner prescribed by the rules of the Supreme Court. The Supreme Court shall thereupon either (1) dispose of the appeal and any cross appeal in the same manner as any other direct appeal authorized by law, or (2) in its discretion, deny the direct appeal and remand the case to the court of appeals, which shall then have jurisdiction to hear and determine the same as if the appeal and any cross appeal therein had been docketed in the court of appeals in the first instance pursuant to subsection (a)."

SEC. 6. (a) Section 401(d) of the Communications Act of 1934 (47 U.S.C. 401(d)) is repealed.

(b) Section 3 of the Act entitled "An Act to further regulate commerce with foreign nations and among the States", approved February 19, 1903 (32 Stat. 849; 49 U.S.C. 43), is amendsd by striking out "proceeding:" and inserting in lieu thereof "proceeding." and striking out thereafter ths following: *"Provided,* That the provisions of an Act entitled 'An Act to expedite the hearing and determination of suits in equity pending or thereafter brought under the Act of July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that may be hereafter enacted, approved February eleventh, nineteen hundred and three,' shall apply to any case prosecuted under the direction of the Attorney-General in the name of the Interstate Commerce Commission".

SEC. 7. The amendment made by section 5 of this Act shall not apply to an action in which a notice of appeal to the Supreme Court has been filed on or before the fifteenth day following the date of enactment of this Act. Appeal in any such action shall be taken pursuant to the provisions of section 2 of the Act of February 11, 1903 (32 Stat. 823), as amended (15 U.S.C. 29; 49 U.S.C. 45) which were in effect on the day preceding the date of enactment of this Act.

Mr. HRUSKA. Mr. President, there are two provisions in this bill which seem to me to be very unwise and very unfair.

First, violation of the Sherman Act was changed from a misdemeanor to a felony for individuals and, second, the proccdural law was changed so that appeals in Government antitrust actions must be taken to the court of appeals rather than directly to the Supreme Court, except where the Attorney General files a certificate within 10 days after the date of any appeal stating that immediate consideration by the Supreme Court is of general public importance.

Mr. President, the first of those points is not altered by the amendment which I have proposed. The second of those points is affected by the amendment in that the House language on that second point will be stricken entirely by this amendment, and there will be inserted in lieu thereof the text of the amendment which embodies the Senate-approved language in bill S. 782, as enacted.

I ask unanimous consent, Mr. President, that there be printed at this point in the RECORD some remarks commenting on those two points, to be treated as part of my remarks.

If violations of the antitrust law are to be put in the class of felonies there must, in all justice, be some qualification providing that only deliberate and intentional violations are to be considered criminal. As an illustration of the technical and unpredictable nature of the antitrust laws let me refer to *Albrecht* v. *Herald Co.*, 390 U.S. 145 (1968), in which a newspaper publisher attempted to establish the maximum price at which distributors could sell his newspapers to customers. A distributor who was charging higher prices sued the publisher. The district court held that there was no antitrust violation and the court of appeals held that there was no antitrust violation. However, the Supreme Court, in a 7-to-2 decision, held that the fixing of maximum resale prices, in these circumstances, was per se an illegal restraint of trade under the Sherman Act. Justices Harlan and Stewart, dissenting, said that the decision "stands the Sherman Act on its head." In any event, of the 13 judges who passed on this case, 6 of them thought that there was no violation of the Sherman Act involved, and 7 held that there was. Under the House version of S. 782 the newspaper publisher in this case would be branded as a felon and could be prosecuted as such by the Department of Justice.

Numerous similar cases could be cited but this is sufficient to make the point.

With respect to the right of appeal, it must be recognized that the Department of Justice is, properly, a highly partisan litigant. It must also be recognized that neither the Attorney General nor the Assistant Attorney General is in a position to make a personal judgment on each one of the hundreds of cases being tried continuously by the Department of Justice.

The Senate version of S. 782 provided that after appeal from a final judgment in an antitrust case the district judge sitting on the case might enter an order permitting direct appeal to the Supreme Court. This provision has been changed in the House version to a provision permitting the Department of Justice to present the appeal directly to the Supreme Court merely upon the filing of a certificate by the Attorney General. The other party has no right to seek or secure such a direct appeal.

Even assuming that permitting a direct appeal to the Supreme Court might be appropriate upon certification by the Attorney General in advance of trial that a case was of general public importance, I submit that it is entirely unfair and unreasonable to put it in the hands of one of the litigating attorneys in the case to choose his appellate forum without permitting either the trial court or the adverse party to have any voice in the matter.

The combination of these two provisions in the House version of S. 782 puts antitrust defendants in a position of depending upon the discretion of the prosecutorial staff to a degree that invites abuse. The decisions of a trial court, even though rendered by an impartial official, are subject to appellate review. However, the decisions of the prosecutorial staff are subject to no review whatever. In a case such as the Albrecht case there is no legal bar to the bringing of a government suit which would require a district court, under the rule of law laid down by the Supreme Court, to brand individuals as felons for actions taken openly and in good faith in an effort to offer products to the public at a lower price and upon a basis that was considered perfectly legal by many lawyers and judges.

Similiarly, with respect to controlling the appellate forum the prosecuting staff of the Department of Justice can wait until the trial court has rendered its decision and then decide whether or not its position is more likely to be favorably received in a particular court of appeals or in the Supreme Court before deciding whether to file a certificate authorizing direct appeal. As a practical matter this decision will ultimately depend upon the prosecuting attorneys since they are the ones familiar with the case and will necessarily be the ones to provide the information and advice upon which the Assistant Attorney General and the Attorney General will rely.

I respectfully urge upon you that it is completely contrary to the American concept of due process to give one of the litigants in an adversary proceeding—even if the litigant is a government employee—such a tremendous advantage over his adversary. Furthermore, when this is coupled with the unbridled discretion to bring a felony charge against individuals who may have lost a complex and debatable issue of law, there will exist the possibility for an abuse of power which I can morally certain will constitute a threat to the civil liberties of everyone engaged in commercial activities.

Mr. President, while I object to, and would not vote for, the bill as amended with reference to the penalties or title 3, I would not agree necessarily with title 1. But I have no objections to the consideration by the Senate at this time and a vote to be taken thereon.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I would like to say that I think this legislation that we are passing today, which the Senate passed in July of last year, is a very important piece of legislation. It represents a significant reform of the antitrust laws.

I want to thank the Senator from Nebraska for his courtesy and for his interest in helping develop the legislation and working out the procedure that we presently are involved in, making sure that there can be expeditious consideration of the bill by the Senate so that the House can pass it prior to adjournment. It would have been impossible to have received this expeditious consideration had it not been for the consideration and courtesies of the Senator from Nebraska.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TUNNEY. Will the Senator yield 1 more minute?

Mr. HRUSKA. I yield.

Mr. TUNNEY. I would like to thank the Senator from Nebraska for the work that he put in on this legislation, and for

helping to develop the final product in its present form.

Mr. HRUSKA. I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TUNNEY. Mr. President——

The PRESIDING OFFICER. The Senator from West Virginia has the floor. He yielded to the distinguished Senator from California.

Mr. TUNNEY. Will the Senator yield further?

Mr. ROBERT C. BYRD. I yield.

Mr. TUNNEY. Mr. President, if there be no further debate, I move that the Senate agree to the amendment of the House as amended by the Senate.

The motion was agreed to.

ORDER FOR VOTE ON SUPPLEMENTAL APPROPRIATIONS CONFERENCE REPORT AT 4:10 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I have discussed this request with the distinguished chairman of the Appropriations Committee, the distinguished assistant Republican leader, and the distinguished Senator from Alabama (Mr. ALLEN).

I think it will meet with the approval of all Senators.

The yeas and nays have been ordered on the adoption of the supplemental appropriations conference report. There will be some discussion with reference to amendments in disagreement. I think it would be the better part of wisdom to forgo until tomorrow the discussion on those amendments in disagreement.

I, therefore, ask unanimous consent that the vote on the adoption of the conference report occur at 4 p.m. today, and that discussion with respect to the amendments in disagreement be delayed until 1 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Reserving the right to object, will the Senator consider making that vote at 5 or 10 minutes after 4 o'clock?

Mr. ROBERT C. BYRD. Yes.

I amend my request, Mr. President, to read, instead of 4 p.m., that the vote begin at 10 minutes after 4 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

TRADE REFORM ACT OF 1974—PRIVILEGE OF THE FLOOR

Mr. LONG. Mr. President, I ask unanimous consent that during the consideration of H.R. 10710, the trade reform bill, including amendments, that the following staff personnel be permitted the privilege of the floor:

From the Finance Committee: Michael Stern, Bob Best, Dick Rivers, Mark Sandstrom, Micnael Rowny, Bob Willan, Bill Morris, and Joe Humphreys.

From the Joint Tax Committee: Laurence Woodworth, Mike Byrd, Howard Silverstone, Paul Oesterhuis, and Bobby Shapiro.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond the hour of 4:10 p.m. today.

The motion was agreed to; and at 3:56 p.m., the Senate took a recess until 4:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

SUPPLEMENTAL APPROPRIATIONS, 1975—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16900) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

The PRESIDING OFFICER. The question is on the adoption of the conference report on H.R. 16900. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Connecticut (Mr. WEICKER).

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Connecticut would vote "nay."

The result was announced—yeas 80, nays 9, as follows:

[No. 523 Leg.]

YEAS—80

Abourezk	Brooke	Cook
Aiken	Buckley	Cotton
Bayh	Burdick	Cranston
Beall	Byrd, Robert C.	Curtis
Bennett	Cannon	Dole
Bentsen	Case	Domenici
Bible	Chiles	Dominick
Biden	Church	Eagleton
Brock	Clark	Ervin
Fannin	Kennedy	Percy
Fong	Long	Randolph
Goldwater	Magnuson	Ribicoff
Gravel	Mathias	Schweiker
Griffin	McClellan	Scott, Hugh
Gurney	McClure	Sparkman
Hart	McGee	Stafford
Hartke	Metcalf	Stevens
Haskell	Metzenbaum	Stevenson
Hathaway	Mondale	Symington
Helms	Montoya	Taft
Hruska	Moss	Talmadge
Huddleston	Muskie	Thurmond
Hughes	Nelson	Tower
Inouye	Packwood	Tunney
Jackson	Pastore	Williams
Javits	Pearson	Young
Johnston	Pell	

NAYS—9

Allen	Hollings	Scott, William L.
Byrd, Harry F., Jr.	Nunn	Stennis
Eastland	Proxmire	
	Roth	

NOT VOTING—11

Baker	Hansen	McGovern
Bartlett	Hatfield	McIntyre
Bellmon	Humphrey	Weicker
Fulbright	Mansfield	

So the conference report was agreed to.

The PRESIDING OFFICER. Under the previous order, the amendments in disagreement will be carried over until tomorrow at 1 p.m.

HEALTH REVENUE SHARING AND HEALTH SERVICES ACT OF 1974—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on H.R. 14214, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HELMS). The report will be stated by title.

The legislative clerk, read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14214) to amend the Public Health Service Act and related laws, to revise and extend programs of health revenue sharing and health services, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 5, 1974, at p. H11360.)

The PRESIDING OFFICER. The question is on——

Mr. CHILES. Mr. President, can we find out what the question is before the Senate?

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the conference report on H.R. 14214.

Mr. KENNEDY. Mr. President, this legislation deals with community mental health centers, neighborhood health centers, migrant health centers and other health services programs. It is a bill that was passed overwhelmingly by the House and Senate—and we have reached an equitable compromise in conference. We

have had 2 days of hearings before the Health Subcommittee and additional hearings before the full Labor and Publice Welfare Committee on the hemophilia program in the bill. It is a sound piece of legislation; one that is urgently needed. I hope we can act on it favorably.

We have had strong support from both sides of the aisle. It is legislation which is long overdue, and will benefit the distinguished Senator's constituents.

Mr. CHILES. I thank the distinguished Senator from Masachusetts. There was mumbling there, and I just could not understand it.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TODAY

Mr. ROBERT C. BYRD. For the information of the Senate, there will be no further action in connection with the amendments in disagreement on the supplemental appropriation bill until tomorrow at 1 o'clock p.m. There may be other business transacted by the Senate today. But so far as the conference report on the supplemental appropriations and the amendments in disagreement thereto, there will be no further action on that today.

Mr. President, I suggest the absence of a quorum.

Mr. GRIFFIN. Mr. President, will the Senator withhold that?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Will the Senator suspend. The Senate is not in order. The Senator cannot be heard. The Senator is entitled to be heard. The Chair solicits the cooperation of the Senate and the staff members.

Mr. GRIFFIN. Would it be possible for the benefit of Senators who are here and wondering to give some indication of what might be taken up?

Mr. ROBERT C. BYRD. Right at the moment——

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield to the Senator from Rhode Island (Mr. PASTORE).

Mr. PASTORE. The assistant leader has been talking to me about the reorganization of AEC, the supplementary bill, and I am quite anxious to have that matter brought up.

It just so happens that every time we turn around those who are for have another engagement, and those who are against have another engagement, too, and it comes back.

At the present time, I am in consultation with the proponents of the authorization for testing, and if we can reach a compromise agreement I think we can do this this afternoon, if the Senator will give me 10 or 15 minutes. We are looking for Mr. KENNEDY, and if we can find him maybe we can resolve the question.

Mr. GRIFFIN. I think that is helpful so that Members at least know what may be coming up.

Mr. ROBERT C. BYRD. Yes.

There may be rollcall votes yet today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today.

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, what is the convening hour for tomorrow?

The PRESIDING OFFICER. The Chair advises the Senator that it is 10 a.m.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE ATOMIC ENERGY AUTHORIZATION BILL—S. 4033

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the remarks of the distinguished Senator from Ohio (Mr. METZENBAUM) tomorrow, for whose recognition an order was entered last week, the Senate proceed, without any routine morning business, to the consideration of S. 4033, the Atomic Energy authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

RULES OF EVIDENCE FOR CERTAIN COURTS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5463.

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5463) to establish rules of evidence for certain courts and proceedings, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Messrs. EASTLAND, MCCLELLAN, ERVIN, HART, BURDICK, HRUSKA, HUGH SCOTT, and THURMOND, conferees on the part of the Senate.

ORDER FOR RECOGNITION OF SENATOR BARTLETT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after Mr. METZENBAUM has been recognized under the previous order on tomorrow, the distinguished Senator from Oklahoma (Mr. BARTLETT) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE AND FOR THE PRESIDENT PRO TEMPORE OR THE ACTING PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives, and that the President pro tempore or the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions during the adjournment of the Senate over to tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1988, ON TUESDAY, DECEMBER 10, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the disposition of the Atomic Energy authorization bill, the Senate proceed to consideration of S. 1988, the bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.